IN T HE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION No. 3882 OF 2007

Nadaf Sikandar Abbas. Petitioner

Vs.

The State of Maharashtra & Ors. Respondents

Mr. I. P. Hingorani, Advocate for the petitioner.

Ms. V. Mhaisapurkar, AGP for the Respondent No.1.

Mr. M. S. Lagu, Advocate for the Respondent No.2.

CORAM : D. G. KARNIK
AND
A. A. SAYED, JJ.
[VACATION COURT]

DATE : MAY 15, 2007.

P.C.

1. Heard the learned Counsel appearing for the parties.

2. for the Petitioner and the Respondent Nos. 2 and

3. This Writ Petition is directed against the order dated 11th May 2007, passed by the Returning Officer, rejecting the nomination papers of the Petitioner, on the ground that the name of the proposer did not tally with the name in the voters list i.e. to say that proposer was not voter at the election. It is not disputed that the proposer, under the applicable rules has to be a voter. As the proposer was not voter at the election, we see no error in the decision of the Returning Officer.

3. Even otherwise we see no reason to entertain the Petition. In **N. P. Ponnuswami Vs. The Returning Officer, Namakkal Constituency, A.I.R. (39) 1952**

Supreme Court 64, the Supreme Court has observed as follows :

> "We are informed that besides the Madras High Court, seven other State High Courts have held that they have no jurisdiction under Art. 226 of the Constitution to entertain petitions regarding improper rejection of nomination papers. This view is in my opinion correct and must be affirmed. The appeal must, therefore, fail and is dismissed."

. As such we decline to entertain the Petition.

4. Writ Petition is accordingly dismissed.

[A. A. SAYED, J.] [D. G. KARNIK, J.]